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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/520,263

01/06/2005

Reiji Arikita

2933-159

5090

6449

7590

07/21/2008

ROTHWELL, FIGG, ERNST & MANBECK, P.C.

1425 K STREET, N.W.

SUITE 800

WASHINGTON, DC 20005

EXAMINER

WILSON, LEE D

ART UNIT

PAPER NUMBER

3723

NOTIFICATION DATE

DELIVERY MODE

07/21/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/520,263 | Applicant(s) ARIKITA, REIJI | |
| | Examiner LEE D. WILSON | Art Unit 3723 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Arikita (5358226).

Arikita discloses a brush mounting structure of a cutting table (6) in an automatic cutting machine comprising a cut-support surface for a sheet material formed by a number of brush hairs arranged on a brush mount (5) for the cut-support surface, a suction mechanism (col.3, line 27), disposed under the brush mount, for suctioning the sheet material put on the cut-support surface, and a cutting device (col.3, line 4) disposed over the cut-support surface and adapted to be movable to any selected position so that the sheet material on the cut-support surface can be cut to a desired shape by movement of the cutter device, the cut-support surface for the sheet material being adapted to be movable as a conveyor (3) to carry out the sheet material after cut, wherein the cut-support

surface brush has a number of hard hairs at a front side of a base thereof having air suction holes and has a plurality of rows of projections at a back side of the same, the projections of the brush being detachably engageable with and movable with respect to the brush mount, wherein an engaging projection having an engaging surface which is " adapted to be hooked more firmly than an engaging surface of a back-row projection and serves as a holding surface is formed in a front low of the brush, to prevent undesired release of the engagement between the brush and the brush mount against a load applied from a particular direction orthogonal to a direction in which the brush is movable over the brush mount, and wherein a engaging rib(18) having an engaging surface confronting the engaging surface of the projection of the brush, and a holding rib (13) having a holding surface which confronts the engaging surface of the engaging projection of the brush and is adapted to be hooked more firmly than the engaging Surface of the engaging rib are formed in the brush mount.

2. The brush mounting structure of the cutting table according to Claim 1, wherein an auxiliary rib (13&12) via which a back side of the engaging projection formed in the cut-support-surface brush is guided is formed in the brush mount at a location behind the holding rib, so that a load applied from the front side of the brush is born on the auxiliary rib.

3. The brush mounting structure of the cutting table according to Claim 1, wherein an auxiliary projection is formed in the cut-support-surface brush

at a location behind the engaging projection, so that a load applied from the front side of the brush is born on the auxiliary projection,, while also an auxiliary rib via which a back side of the auxiliary projection is guided is formed in the brush mount.

Response to Arguments

1. Applicant's arguments filed 4/9/08 have been fully considered but they are not persuasive.

2. Applicant has amended the claims.

a. The examiner notes the attempt to amend the claims; however, the claims are not really any different the bush mount cutting surface is just more clearly defined without any difference in structure, then a hooking degree is recited other than it talks about position there is nothing other than statements which are debatable. What structure is really being claimed that causes the hook degree function to happen. Both devices have projections. Mount having ribs is not new from the last claim. The limitations are already covered by the prior art and without structure the hook degree is really a talking point because You may feel it is better and someone else may not so more or less a feeling is being claimed and not concrete structure to make the statement one way or the other. Therefore, the rejection stands.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE D. WILSON whose telephone number is 571-272-4499. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH HAIL can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3723

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ldw

/LEE D WILSON/
Primary Examiner, Art Unit 3723

July 16, 2008